

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of)	
)	
New Part 4 of the Commission's Rules)	WC Docket No. 04-35
Concerning Disruption to Communications)	
)	

COMMENTS OF LUCENT TECHNOLOGIES

Lucent Technologies Inc. ("Lucent") submits these comments in response to the Notice of Proposed Rulemaking ("NPRM") issued by the Federal Communications Commission ("Commission") requesting public comment on proposed modifications to the Commission's network outage reporting requirements.¹

I. About Lucent

Lucent, headquartered in Murray Hill, NJ, designs and delivers the systems, services and software that drive next-generation communications networks and is a global leader in understanding and demonstrating the key elements that deliver high reliability in public communications networks. Lucent has been active for many years in industry efforts to improve network reliability, including by developing "best practices" with respect to preventing and recovering from network outages. Backed by Bell Labs' research and development, Lucent uses its strengths in mobility, optical, software, data and voice networking technologies and services to enable its customers to deploy and better manage their communications networks and to continually improve the robustness and reliability of both wireline and wireless technologies. Lucent's customer base includes communications providers, governments, and enterprises worldwide.

Since its inception Lucent, either directly or through its predecessor companies, has driven the evolution of communication networks in the United States and around the world. Through Bell Labs, Lucent has been largely responsible for the development, commercial introduction, and pervasive deployment of numerous innovations to improve network reliability, including advances in hardware, software, and human-machine interface procedures. Accordingly, Lucent has the knowledge and experience to comment on the whether the Commission's proposed network outage reporting requirements are likely to improve network reliability and meet other important Commission objectives outlined in the NPRM.

¹ See *New Part 4 of the Commission's Rules Concerning Disruption to Communications*, ET Docket No. 04-35, *Notice of Proposed Rulemaking*, FCC 04-30 (rel. Feb. 23, 2004).

II. Introduction

Lucent agrees fully with the Commission that network reliability is vital to U.S. financial stability, public safety, and national security, and that therefore the United States must meet the ongoing challenge of consistently protecting and improving network reliability. However, Lucent believes that the best means of accomplishing these objectives is via industry-led efforts, rather than regulatory mandates. Lucent favors achieving consistent improvement in network reliability through industry focus on processes that optimize, and are vital to, improving network reliability – accumulation of quality data in a timely fashion, application of appropriate subject-matter expertise to the analysis of the data, and the fostering of a safe environment for the exchange and discussion of data that is deemed sensitive from the perspective of Homeland Security or for other agreed reasons (“Sensitive Data”). These are key components of existing efforts by the communications industry to better understand and improve network reliability. The Commission should rely on these efforts, rather than unilaterally promulgating new rules that ultimately may hamper, rather than assist, the industry in meeting these common objectives.

III. Industry-Led Outage Reporting Initiative

Lucent has been an active participant for many years in industry-led efforts to develop appropriate “best practices” to prevent, and respond to, network outages, including the sharing of appropriate information among industry participants. These efforts, which generally have been conducted under the auspices of the Commission’s Network Reliability and Interoperability Council (“NRIC”) and the Alliance for Telecommunications Industry Solutions (“ATIS”), have been effective and, if provided the opportunity, will continue to be improved. ATIS’s Network Reliability Steering Committee, which was established by ATIS at the request of NRIC, has been intimately involved in the drafting of the Industry-Led Outage Reporting Initiative (“ILORI”).

ILORI was established in January 2004 and thus far has received strong industry support. This is, in part, because the ILORI participants, including Lucent’s representative, have systematically addressed each of the concerns that have been raised in the NPRM and elsewhere about previous NRIC voluntary network outage reporting trials. The ILORI program addresses these concerns by including appropriate executive accountability, quality process methodologies, and a public participation and monitoring component (once Sensitive Data has been removed).

Lucent firmly believes that coordinated industry efforts, such as ILORI, are preferable to regulatory mandates. If given the appropriate opportunity, the widespread adoption of ILORI will lead to the gathering of better, more comprehensive, accurate, and targeted information, and will result in superior analysis of this information. However, ILORI is in its nascent stages and needs time to realize its potential. The Commission should not take action in the instant proceeding that would discourage the ILORI program. For the reasons discussed below, mandatory FCC network outage reporting regulations are likely to be less effective and more cumbersome than the ILORI program.

IV. ILORI Offers Benefits Over the FCC's Proposed Network Outage Reporting Requirement

An industry-led effort to monitor and avoid network outages is likely to be much more flexible than any Commission mandated regulatory regime, and therefore more capable of remaining abreast of new technologies and new public safety and national security needs and considerations. The Commission's regulations generally are both costly and time consuming to modify. By contrast, a privately led network outage monitoring and improvement process would be better able to evolve and respond as new technologies are introduced and public safety and national security needs change.

Further, mandatory and publicly available network outage reporting is likely to limit the usefulness of the data collected. For commercial reasons, and to protect Sensitive Data, communications providers are certain to be guarded in the disclosures they file with the FCC if they are widely available both to the public and to the providers' competitors, who may seek to use the data for competitive advantage. Further, communications providers may comply with the letter of the law, rather than its spirit, in instances where the providers possess relevant information regarding network outages and the potential for network reliability improvement that is not required to be filed with the FCC under existing law. As a result, the data ultimately collected by the FCC under a mandatory network outage reporting regime is likely to be critically limited.

By contrast, the ILORI program is much more likely to foster more complete disclosure and therefore to result in more comprehensive and useful databases. Under the ILORI program, which is currently under development, utmost care will be given to striking the appropriate balance between creating the atmosphere that promotes candid and useful disclosure in a strictly confidential environment and communicating on these important issues with the public at large.

In addition, analysis by an administrative agency of network outage data could be limited, despite the agency's best intentions, by the expert resources the agency is able to devote to this process. The ILORI program overcomes this potential obstacle. As a general matter, the Commission's resources are continually strained by its current responsibilities, especially with respect to personnel with in-depth technical expertise. By contrast, because it is in their best interest to do so, the communications industry will devote appropriate technical resources, including personnel with a high level of expertise regarding underlying communications network infrastructure and technology, to generate a comprehensive understanding of available data and the lessons that can be learned from it.

Equally important, the ILORI program will enable this analysis to occur without the public and political scrutiny that may restrict the objectivity of any data analysis undertaken by the Commission. Because the analysis of the data will occur outside of public scrutiny, participants are more likely to be open and less guarded in their discussions of the meanings of the data and the conclusions that can be drawn there from.

V. Conclusion

For the reasons set forth above, Lucent encourages the Commission to avoid burdening the communications industry with more extensive regulations and to refrain from expanding the applicability of existing reporting requirements. Rather, Lucent believes that the Commission should permit industry-led initiatives, such as ILORI, additional opportunity to demonstrate their effectiveness and efficiency.

Respectfully submitted,

Lucent Technologies, Inc.

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